

AMENDED IN ASSEMBLY APRIL 8, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1997

Introduced by Assembly Member Thomson

February 15, 2002

An act to amend Section 66474.4 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1997, as amended, Thomson. Land conservation.

The existing Subdivision Map Act requires the legislative body of a city or county to deny, *except under specified circumstances*, approval of a tentative map, or a parcel map for which a tentative map was not required, if it finds that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 and that either the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land.

This bill would ~~additionally require the legislative body of a city or county to deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it finds that the~~ *also apply these provisions to land that is subject to an open-space easement, agricultural conservation easement, or conservation easement, but would make these provisions inapplicable during the 3-year period preceding the termination of these contracts or easements.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 66474.4 of the Government Code is amended to read:

66474.4. (a) The legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it *finds that either the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land, and if the legislative body finds that* the land is subject to ~~(1) a~~ any of the following:

(1) A contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of ~~Title 5~~), ~~(2) an~~ Title 5).

(2) An open-space easement entered into pursuant to the Open-Space Easement Act of 1974 (Chapter 6.6 (commencing with Section 51074) of Part 1 of Division 1 of ~~Title 5~~), ~~(3) an~~ Title 5).

(3) An agricultural conservation easement entered into pursuant to Chapter 4 (commencing with Section 10260) of Division 10.2 of the Public Resources ~~Code, or (4) a~~ Code.

(4) A conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Part 2 of Division 2 of the Civil ~~Code, and that either the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land.~~ Code.

(b) (1) For purposes of this section, land shall be conclusively presumed to be in parcels too small to sustain their agricultural use if the land is (A) less than 10 acres in size in the case of prime agricultural land, or (B) less than 40 acres in size in the case of land which is not prime agricultural land.

(2) For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (A) at least 10 acres in size in the case of prime agricultural land, or (B) at least 40 acres in size in the case of land which is not prime agricultural land.

1 (c) A legislative body may approve a subdivision with parcels
2 smaller than those specified in this section if the legislative body
3 makes either of the following findings:

4 (1) The parcels can nevertheless sustain an agricultural use
5 permitted under the contract or easement, or are subject to a
6 written agreement for joint management pursuant to Section
7 51230.1 and the parcels that are jointly managed total at least 10
8 acres in size in the case of prime agricultural land or 40 acres in size
9 in the case of land that is not prime agricultural land.

10 (2) One of the parcels contains a residence and is subject to
11 Section 428 of the Revenue and Taxation Code; the residence has
12 existed on the property for at least five years; the landowner has
13 owned the parcels for at least 10 years; and the remaining parcels
14 shown on the map are at least 10 acres in size if the land is prime
15 agricultural land, or at least 40 acres in size if the land is not prime
16 agricultural land.

17 (d) No other homesite parcels as described in paragraph (2) of
18 subdivision (c) may be created on any remaining parcels under
19 contract entered into pursuant to the California Land Conservation
20 Act of 1965 (Chapter 7 (commencing with Section 51200) of
21 Division 1 of Title 5) for at least 10 years following the creation
22 of a homesite parcel pursuant to this section.

23 (e) This section shall not apply to land that is subject to a
24 contract entered into pursuant to the California Land Conservation
25 Act of 1965 (Chapter 7 (commencing with Section 51200) of
26 Division 1 of Title 5) when any of the following has occurred:

27 (1) A local agency formation commission has approved the
28 annexation of the land to a city and the city will not succeed to the
29 contract as provided in Sections 51243 and 51243.5.

30 (2) Written notice of nonrenewal of the contract has been
31 served prior to March 7, 1985, as provided in Section 51245.

32 (3) Written notice of nonrenewal of the contract has been
33 served on or after March 7, 1985, as provided in Section 51245,
34 and, as a result of that notice, there are no more than three years
35 remaining in the term of the contract.

36 (4) The board or council has granted tentative approval for
37 cancellation of the contract as provided in Section 51282.

38 (f) *This section shall not apply during the three-year period*
39 *preceding the termination of any of the following:*

- 1 (1) A contract entered into pursuant to the California Land
2 Conservation Act of 1965 (Chapter 7 (commencing with Section
3 51200) of Part 1 of Division 1).
- 4 (2) An open-space easement entered into pursuant to the
5 Open-Space Easement Act of 1974 (Chapter 6.6 (commencing
6 with Section 51070) of Part 1 of Division 1).
- 7 (3) An agricultural conservation easement entered into
8 pursuant to Chapter 4 (commencing with Section 10260) of
9 Division 10.2 of the Public Resources Code.
- 10 (4) A conservation easement entered into pursuant to Chapter
11 4 (commencing with Section 815) of Part 2 of Division 2 of the
12 Civil Code.
- 13 (g) This section shall not be construed as limiting the power of
14 legislative bodies to establish minimum parcel sizes larger than
15 those specified in subdivision (a).

